

Appln No. 10/582,302
Amdt date November 20, 2009
Reply to Office action of September 23, 2009

REMARKS/ARGUMENTS

Claims 42-80 are pending, of which claims 62, 63 and 76 are withdrawn from consideration. Claims 42-80 are amended.

Claims 42-61, 64-75 and 77-80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the amendments to claim 42, it is respectfully requested that the above rejections be withdrawn.

Claims 42-49, 54-57, 59, 60 and 77-79 rejected under 35 U.S.C. 102(b) as being anticipated by Alfano (U.S. Patent No. 4,479,499); Claims 50-53, 58 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano; and Claims 61 and 64-75 rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano in view of Nakanishi (U.S. Patent No. 6,607,384). Applicant submits that all of the claims currently pending in this application are patentably distinguishable over the cited references for the following reasons, and reconsideration and allowance of this application are respectfully requested.

Amended independent claim 42 includes, among other limitations, "an instrument having a forward end equipped with a treatment tool for treating a lesion in an oral cavity," "a light radiating unit having a first light source for emitting excitation light and a second light source for emitting illumination light into said oral cavity," and "said first and second light sources being disposed at or near said forward end." Alfano does not teach the above limitations.

First, Alfano does not teach "a treatment tool for treating a lesion in an oral cavity." Rather, Alfano discloses an apparatus for detecting the presence of caries in human teeth using visible light, where a tooth is exposed to light of relatively narrow bandwidths. (See, for example, Tile, Abstract, col. 3, lines 1-18, and col. 5, line 67). There is no disclosure of "a treatment tool for treating a lesion" in Alfano.

Second, Alfano does not disclose "a first light source for emitting excitation light and a second light source for emitting illumination light into said oral cavity." Rather, both of the cited

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light sources 11 and 12 in FIG. 17 are the same and are both used to generate illumination/visible lights. (Col. 9, line 65 to col. 10, line 3).

Third, Alfano does not teach "said first and second light sources being disposed at or near said forward end." Rather, as clearly shown in the cited FIG. 17, the light sources 11 and 12 are disposed within the "light-tight compartmented housing 37 (see, also FIG. 8), while the probe 17 and its end 19 constitute a different and separate part away from the light sources.

As a result, for at least any of the above-mentioned three reasons, amended claim 42 is not anticipated by Alfano and is therefore patentable over the cited references.

Dependent claims 2-80 are dependent from allowable independent claim 1 and therefore include all the limitations of the allowable claim 1 and additional limitations therein. Accordingly, claims 2-80 are also allowable over the cited references, as being dependent from an allowable independent claim 1, and for the additional limitations they include therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
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